



**Manhattan Beach  
Unified School District**

325 South Peck Avenue • Manhattan Beach • California 90266 • (310) 318-7345 • FAX (310) 303-3822

July 27, 2016

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

43 August 16, 2016

LORI GLASGOW  
EXECUTIVE OFFICER

***VIA COURIER***

Dean Logan, Registrar-Recorder/County Clerk  
Los Angeles County Registrar of Voters  
12400 Imperial Highway, Room 2013A  
Norwalk, California 90650  
*Via Personal Delivery*

Lori Glasgow, Executive Officer-Clerk of the  
Board of Supervisors  
Los Angeles County Board of Supervisors  
Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 383  
Los Angeles, California 90012  
*Via Personal Delivery*

Re: Manhattan Beach Unified School District November 8, 2016 Bond Measures

On July 13, 2016, the Board of Trustees of the Manhattan Beach Unified School District (the "District") adopted two resolutions to place two bond measures on the November 8, 2016 ballot.

Enclosed please find the Manhattan Beach Unified School District Board of Trustees RESOLUTION NO. 2016-14 "RESOLUTION OF THE BOARD OF TRUSTEES OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER" calling for a November 8, 2016 local bond election on a bond measure to issue \$114 million of bonds ("Measure No. 1").

Also enclosed please find the Manhattan Beach Unified School District Board of Trustees RESOLUTION NO. 2016-15 "RESOLUTION OF THE BOARD OF TRUSTEES OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER" calling for a November 8, 2016 local bond election on a bond measure to issue \$39 million of bonds ("Measure No. 2").

The District requests that Measure No. 1 be placed **first** on the ballot followed by Measure No. 2 and that Measure No. 1 be assigned a letter designation **earlier** in the alphabet than the letter assigned to Measure No. 2. The District further requests that Measure No. 1 be assigned the letter C or E and Measure No. 2 be assigned the letter G. The District requests that neither of the measures be assigned the letters "A," "F," "M," "T," "X" or "BB".

Also enclosed are two Tax Rate Statements, one for Measure No. 1 and one for Measure No. 2 which have been prepared in accordance with Elections Code Sections 9400 to 9404 to be included in the ballot/voter pamphlet. We understand that the County Counsel's office will prepare an

Dean Logan, Registrar-Recorder/County Clerk  
Lori Glasgow, Executive Officer-Clerk of the Board of Supervisors  
July 28, 2016  
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impartial analysis for Measure No. 1 and an impartial analysis for Measure No. 2 to be included in the ballot/voter pamphlet.

The resolution for Measure No. 1 directs that Exhibit B to Resolution No. 2016-14, which is the Full Text Ballot Proposition for Measure No. 1, be printed in its entirety in each sample ballot/voter pamphlet and we request that it be included as directed.

The resolution for Measure No. 2 directs that Exhibit B to Resolution No. 2016-15, which is the Full Text Ballot Proposition for Measure No. 2, be printed in its entirety in each sample ballot/voter pamphlet and we request that it be included as directed.

By this letter we are formally requesting to review a proof of the ballot statement language for Measure No. 1 and Measure No. 2, the full text of the ballot propositions, impartial analyses and ballot arguments that would appear in the voter pamphlet prior to publishing. Please direct this proof to the undersigned as soon as it is available.

We believe that Education Code Section 15122.5 is not applicable to Measure No. 2 and we request that the County not include the following "State Matching Funds" language in the ballot or voter pamphlet with respect to Measure No. 2:

"Approval of Measure \_\_\_\_\_ does not guarantee that the proposed project or projects in the Manhattan Beach Unified School District that are the subject of bonds under Measure \_\_\_\_\_ will be funded beyond the local revenues generated by Measure \_\_\_\_\_. The district's proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure."

If helpful, on request we can provide you with the resolutions electronically in order to facilitate your work.

We have asked our courier to obtain a signature on the next page from the Registrar's office and the Executive Officer-Clerk of the Board's office acknowledging receipt of the resolutions for Measure No. 1 and Measure No. 2 and would appreciate your providing the signatures.

This letter also authorizes you to contact Robert J. Whalen of Stradling Yocca Carlson & Rauth, our bond counsel, at (949) 725-4166 if you have any questions. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "MD Matthews".

Michael D. Matthews, Ed.D.  
Superintendent of Schools

Enclosure

cc: Robert J. Whalen

Dean Logan, Registrar-Recorder/County Clerk  
Lori Glasgow, Executive Officer-Clerk of the Board of Supervisors  
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\_\_\_\_\_, 2016

Acknowledgement:

I, \_\_\_\_\_, of the Elections Coordination Unit of the Los Angeles County Registrar of Voters acknowledge receipt of MANHATTAN BEACH UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION RESOLUTION NO. 2016-14 and RESOLUTION NO. 2016-15 each of which is entitled "RESOLUTION OF THE BOARD OF TRUSTEES OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER" adopted on July 13, 2016 calling for a November 8, 2016 election on the two bond measures described therein.

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*Signature*

*Date*

*Time*

Dean Logan, Registrar-Recorder/County Clerk  
Lori Glasgow, Executive Officer-Clerk of the Board of Supervisors  
July 28, 2016  
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\_\_\_\_\_, 2016

Acknowledgement:

I, \_\_\_\_\_, of the Executive Office of the Los Angeles County Board of Supervisors acknowledge receipt of MANHATTAN BEACH UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION RESOLUTION NO. 2016-14 and RESOLUTION NO. 2016-15 each of which is entitled "RESOLUTION OF THE BOARD OF TRUSTEES OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER" adopted on July 13, 2016 calling for a November 8, 2016 election on the two bond measures described therein.

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*Signature*

*Date*

*Time*


**Manhattan Beach Unified School District  
Tax Rate Statement for  
Bond Measure  
November 8, 2016 Election**

An election will be held in the Manhattan Beach Unified School District (the "District") on November 8, 2016, to authorize the issuance by the District of up to \$39,000,000 in general obligation bonds to replace the high school gymnasium. The following information is submitted in compliance with California Elections Code Sections 9400-9404.

1. The best estimate from official sources of the tax rate that would be required to be levied to fund this bond issue during fiscal year 2017-18, which is the first fiscal year after the sale of the first series of bonds, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.008 per \$100 of assessed valuation, which equates to \$8.00 per \$100,000 of assessed valuation.
2. The best estimate from official sources of the tax rate that would be required to be levied to fund this bond issue in the first fiscal year after the sale of the last series of bonds, which is estimated to be fiscal year 2020-21, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.008 per \$100 of assessed valuation, which equates to \$8.00 per \$100,000 of assessed valuation.
3. The best estimate from official sources of the highest tax rate that would be required to be levied to fund this bond issue, which is estimated to be fiscal year 2018-19 based on a projection of assessed valuations available at the time of filing this statement, is \$0.008 per \$100 of assessed valuation, which equates to \$8.00 per \$100,000 of assessed valuation.
4. The best estimate from official sources of the total debt service, including principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$61,571,192.

The foregoing projections of assessed valuations and tax rates are based on the experience and historical data within the District and are estimates only based on information obtained from official sources. The actual tax rates and the years in which they will apply may vary depending on the timing of bond sales, the amount of bonds sold at each sale, market interest rates at the time of each sale and actual assessed valuation in each year. The timing of the bond sales and the amount of bonds sold at any given time will be determined by the District based upon its need for construction funds and other factors. Actual assessed valuations will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the assessment and the equalization process.

Dated: July 27, 2016

  
\_\_\_\_\_  
Michael D. Matthews, Ed.D.  
Superintendent  
Manhattan Beach Unified School District

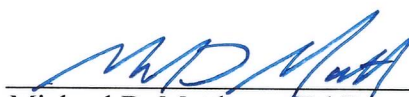
**Manhattan Beach Unified School District  
Tax Rate Statement for  
Bond Measure  
November 8, 2016 Election**

An election will be held in the Manhattan Beach Unified School District (the "District") on November 8, 2016, to authorize the issuance by the District of up to \$114,000,000 in general obligation bonds to finance various improvements at District schools. The following information is submitted in compliance with California Elections Code Sections 9400-9404.

1. The best estimate from official sources of the tax rate that would be required to be levied to fund this bond issue during fiscal year 2017-18, which is the first fiscal year after the sale of the first series of bonds, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.022 per \$100 of assessed valuation, which equates to \$22.00 per \$100,000 of assessed valuation.
2. The best estimate from official sources of the tax rate that would be required to be levied to fund this bond issue in the first fiscal year after the sale of the last series of bonds, which is estimated to be fiscal year 2022-23, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.022 per \$100 of assessed valuation, which equates to \$22.00 per \$100,000 of assessed valuation.
3. The best estimate from official sources of the highest tax rate that would be required to be levied to fund this bond issue, which is estimated to be fiscal year 2024-25, based on a projection of assessed valuations available at the time of filing this statement, is \$0.022 per \$100 of assessed valuation, which equates to \$22.00 per \$100,000 of assessed valuation.
4. The best estimate from official sources of the total debt service, including principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$185,534,218.

The foregoing projections of assessed valuations and tax rates are based on the experience and historical data within the District and are estimates only based on information obtained from official sources. The actual tax rates and the years in which they will apply may vary depending on the timing of bond sales, the amount of bonds sold at each sale, market interest rates at the time of each sale and actual assessed valuation in each year. The timing of the bond sales and the amount of bonds sold at any given time will be determined by the District based upon its need for construction funds and other factors. Actual assessed valuations will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the assessment and the equalization process.

Dated: July 27, 2016



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Michael D. Matthews, Ed.D.  
Superintendent  
Manhattan Beach Unified School District

## RESOLUTION NO. 2016-14

### RESOLUTION OF THE BOARD OF TRUSTEES OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the “Board”) has determined that education facilities within the Manhattan Beach Unified School District (the “District”) need to be renovated, modernized, repaired, improved, constructed and equipped to enable the District to improve the health and safety and the quality of education for students in the District; and

WHEREAS, notwithstanding concerted and ongoing efforts by the District to obtain sufficient facility money from the State of California (the “State”), the State has been unable to provide the District with enough money for the District to adequately construct and repair schools to provide an optimal learning environment for all students; and

WHEREAS, in the judgment of the Board, additional facility funding is needed to improve the quality of facilities within the District by means of a general obligation bond; and

WHEREAS, Proposition 46, approved by the voters of the State on June 3, 1986 (“Proposition 46”), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision which exempts from the 1% of full cash value limitation, those *ad valorem* taxes used to pay for debt service on any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000 the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act (“Proposition 39”) which, as of its effective date, reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a school district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the “Act”) became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight which are required by Proposition 39 and the Act; and

WHEREAS, the Board desires to submit a proposition to the District’s voters at an election to authorize the issuance of general obligation bonds to pay for certain necessary improvements to and equipment for District schools; and

WHEREAS, the Board hereby determines, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, that the restrictions in Proposition 39 which prohibit any bond money from being wasted or used for administrative salaries or other operating expenses of the District shall be strictly enforced by a Citizens’ Oversight Committee to be appointed by the Board in accordance with the Act; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limit per year of \$60 per \$100,000 of assessed valuation of taxable property; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 8, 2016, and to request that the Los Angeles County Registrar of Voters perform certain election services for the District;

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT DOES HEREBY, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506, hereby requests the Los Angeles County Registrar of Voters to conduct an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount not to exceed \$114,000,000 (the "Bonds") shall be issued and sold for the purpose of raising money for the projects described in Exhibits A and B hereto. Both exhibits are directed to be printed in the voter pamphlet.

Section 2. That the date of the election shall be November 8, 2016.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A" and incorporated by reference herein, containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot proposition in Exhibit "A" is subject to the following requirements and determinations:

(a) that the proceeds of the sale of the Bonds shall only be used for the purposes specified in Proposition 39 and authorized by the ballot proposition and not for any other purpose, including teacher and administrator salaries and other school operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B," evaluated the safety, class size reduction and information technology needs of the District;

(c) that the Board will cause an annual, independent performance audit to be conducted to ensure that the Bond moneys are expended only for the projects identified in Exhibit "B" hereto;

(d) that the Board will cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended;

(e) that the Board will appoint a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Elections Code Section 15274; and

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limit of \$60 per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Sections 5322 of the Education Code.

Section 6. That the Los Angeles County Registrar of Voters and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016 within the District.

Section 7. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Los Angeles County Registrar of Voters no later than August 12, 2016.

Section 8. That the maturity of any Bonds issued pursuant to Section 15264 *et seq.* of the Education Code hereto shall have a maturity not exceeding twenty-five (25) years, and Bonds issued pursuant to Section 53506 of the Government Code shall have a maturity not exceeding the maximum permitted thereunder. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

Section 9. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation. The Board further authorizes the submission of a tax rate statement and primary and rebuttal arguments, as appropriate, to be filed with the Los Angeles County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Los Angeles County, such services to include the printing of the Full Text Ballot Proposition set forth in Exhibit "B" in the voter pamphlet, the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

Section 11. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 13th day of July, 2016, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTENTIONS: 0

BOARD OF TRUSTEES OF THE  
MANHATTAN BEACH UNIFIED SCHOOL  
DISTRICT

By: Lee W. Long  
President

Attest:

Kand. Kourtisly  
Clerk

CLERK'S CERTIFICATE

I, Karen Konatinsky, Clerk of the Board of Trustees of the Manhattan Beach Unified School District, hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Trustees of said District duly and regularly and legally held at the regular meeting place thereof on July 13, 2016, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: July 27, 2016

  
Clerk of the Board of Trustees

## EXHIBIT A

To repair, update and renovate aging classrooms, construct and equip needed school facilities, repair or replace deteriorating roofs, plumbing, electrical systems, aging portable classrooms, install air conditioning, make improvements for student safety, renovate buildings for earthquake safety, and provide modern classrooms and equipment needed to support instruction in reading, math, arts, science and technology, shall Manhattan Beach Unified School District issue 114 million dollars in bonds at legal interest rates, with independent citizen oversight and audits?

Bonds - Yes

Bonds – No

## EXHIBIT B

### FULL TEXT BALLOT PROPOSITION OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 8, 2016

The following is the full proposition presented to the voters by the Manhattan Beach Unified School District.

To repair, update and renovate aging classrooms, construct and equip needed school facilities, repair or replace deteriorating roofs, plumbing, electrical systems, aging portable classrooms, install air conditioning, make improvements for student safety, renovate buildings for earthquake safety, and provide modern classrooms and equipment needed to support instruction in reading, math, arts, science and technology, shall Manhattan Beach Unified School District issue 114 million dollars in bonds at legal interest rates, with independent citizen oversight and audits?

#### PROJECT LIST FOR THE BOND MEASURE

Bond proceeds will be expended to repair, expand, modernize, replace, renovate, acquire, construct, furnish and equip the facilities of the District at the following locations:

- Grand View Elementary School
- Meadows Elementary School
- Pacific Elementary School
- Pennekamp Elementary School
- Robinson Elementary School
- Manhattan Beach Middle School
- Mira Costa High School
- District Preschool Facilities

The following are the types of projects that may be financed with proceeds of the bonds:

**Replacement of Relocatable Buildings** with permanent classrooms and buildings, including building code required accessibility upgrades and related site improvements.

**Modernization of Facilities** including repairs to and renovation and expansion of existing classrooms and buildings, repairs to, renovation of or installation of new heating, ventilation, air conditioning, power, plumbing, low voltage systems (fire alarm, data, telephone), replacement of doors and windows, building code required accessibility upgrades and storm water retention systems.

**Seismic Upgrades** including structural improvements to withstand earthquakes.

**Fencing and Security Improvements** including perimeter and internal fencing and related site work, intrusion detection and related signal system upgrades and building code required accessibility upgrades.

**New Classrooms** including removing existing buildings and constructing, furnishing and equipping new classrooms.

**Multipurpose Rooms** including the construction of new multi-purpose rooms at various sites and related site work and building code required accessibility upgrades, and the acquisition of related technology, furnishings and equipment.

**Energy Efficiency Improvements** including the prepayment of lease payments currently owed by the District to acquire certain solar equipment and other energy efficiency improvements.

**Renovation and Construction of Landscape and Hardscape Improvements** including playgrounds and equipment, turf, plantings, irrigation systems, fencing and parking and transportation improvements, including onsite parking.

\* \* \*

In preparing the list of projects, the District has evaluated safety, class size reduction, and informational technology needs.

Each project financed will include its share of architectural, engineering, and similar planning costs, program management, project or construction management, a contingency for unforeseen circumstances, offsite/utility connection costs, and interim housing. Projects also may include the payment of the costs of preparation of all facility planning, facility assessment reviews, environmental studies, construction documentation, plan check, inspection and permit fees, and the acquisition of improvements on the project list that are financed by the District on an interim basis through temporary loans, leases, lease-leaseback, or lease-purchase arrangements. Where terms such as “renovation,” “upgrade,” and “modernization” are used in the foregoing Project List for the Bond Measure, the Board of Trustees shall determine the best method for accomplishing the project’s objective. For any listed project involving renovation or modernization of all or a portion of a building or facility, the District may proceed with new replacement construction instead (including any necessary demolition), if the District determines that replacement and new construction is more practical than renovation or modernization, considering the building’s age, condition, expected remaining life, comparative cost, and other relevant factors.

The District intends to apply for State matching funds for certain of the projects to be financed. In the absence of such funding, the District may not be able to perform some of the projects listed above. Approval of this proposition does not guarantee that the proposed projects that are the subject of this proposition will be funded beyond the local revenues generated by this proposition. The District’s receipt of matching State funds will be subject to appropriation by the Legislature and approval of a statewide bond measure.

The budget for each project is an estimate and may be affected by factors beyond the District’s control. The final cost of each project will be determined as plans are finalized, construction bids are awarded and projects are completed. Based on the final costs of each project, certain projects described above may be delayed or may not be undertaken.

Bond proceeds shall be expended only for the specific purposes identified herein. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to the bond projects. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

Fiscal Accountability: In accordance with Education Code § 15272, the Board of Trustees will establish a citizens' oversight committee and will conduct annual independent audits to assure that funds are spent only on the list of projects authorized above and for no other purpose. The expenditure of bond money on these projects is subject to stringent financial accountability requirements. By law, performance and financial audits will be performed annually, and all bond expenditures will be monitored by an independent citizens' oversight committee to ensure that funds are spent as promised and specified. The citizens' oversight committee shall include at least seven members, with the following relationships: one member active in a business organization, one member active in a senior citizens' organization, one member active in a bona fide taxpayers' organization, one member who is a parent or guardian of a student, one member who is both a parent or guardian of a student and active in a parent-teacher organization. District employees, vendors, contractors and consultants may not serve on the citizens' oversight committee.

No Administrator Salaries: Proceeds from the sale of the bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and not for any other purpose. No funds will be used toward teacher or administrator salaries or other operating expenses.

## RESOLUTION NO. 2016-15

### RESOLUTION OF THE BOARD OF TRUSTEES OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") of the Manhattan Beach Unified School District (the "District") has determined that the 65 year old gymnasium at Mira Costa High School needs to be replaced with a new gymnasium, physical education and activities center, including instructional space and the renovation or replacement of bathrooms, air conditioning, heating, electrical and plumbing systems, to enable the District to improve the health and safety and the quality of education for students in the District; and

WHEREAS, notwithstanding concerted and ongoing efforts by the District to obtain sufficient facility money from the State of California (the "State"), the State has been unable to provide the District with enough money for the District to adequately construct and repair schools to provide an optimal learning environment for all students; and

WHEREAS, in the judgment of the Board, additional facility funding by means of a general obligation bond is needed to replace the gymnasium at Mira Costa High School with a new gymnasium, physical education and activities center, including instructional space and the renovation or replacement of bathrooms, air conditioning, heating, electrical and plumbing systems; and

WHEREAS, Proposition 46, approved by the voters of the State on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision which exempts from the 1% of full cash value limitation, those *ad valorem* taxes used to pay for debt service on any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000 the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which, as of its effective date, reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a school district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1,5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight which are required by Proposition 39 and the Act; and

WHEREAS, the Board desires to submit a proposition to the District's voters at an election to authorize the issuance of general obligation bonds to pay for the cost of constructing and equipping a new gymnasium, physical education and activities center, including instructional space and the renovation or replacement of bathrooms, air conditioning, heating, electrical and plumbing systems, at Mira Costa High School; and

WHEREAS, the Board hereby determines, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, that the restrictions in Proposition 39 which prohibit any bond money from being wasted or used for administrative salaries or other operating expenses of the District shall be strictly enforced by a Citizens' Oversight Committee to be appointed by the Board in accordance with the Act; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limit per year of \$60 per \$100,000 of assessed valuation of taxable property; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 8, 2016, and to request that the Los Angeles County Registrar of Voters perform certain election services for the District;

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506, hereby requests the Los Angeles County Registrar of Voters to conduct an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount not to exceed \$39,000,000 (the "Bonds") shall be issued and sold for the purpose of raising money for the projects described in Exhibits A and B hereto. Both exhibits are directed to be printed in the voter pamphlet.

Section 2. That the date of the election shall be November 8, 2016.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A" and incorporated by reference herein, containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot proposition in Exhibit "A" is subject to the following requirements and determinations:

(a) that the proceeds of the sale of the Bonds shall only be used for the purposes specified in Proposition 39 and authorized by the ballot proposition and not for any other purpose, including teacher and administrator salaries and other school operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B," evaluated the safety, class size reduction and information technology needs of the District;

(c) that the Board will cause an annual, independent performance audit to be conducted to ensure that the Bond moneys are expended only for the projects identified in Exhibit "B" hereto;

(d) that the Board will cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended;

(e) that the Board will appoint a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Elections Code Section 15274; and

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limit of \$60 per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Sections 5322 of the Education Code.

Section 6. That the Los Angeles County Registrar of Voters and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016 within the District.

Section 7. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Los Angeles County Registrar of Voters no later than August 12, 2016.

Section 8. That the maturity of any Bonds issued pursuant to Section 15264 *et seq.* of the Education Code hereto shall have a maturity not exceeding twenty-five (25) years, and Bonds issued pursuant to Section 53506 of the Government Code shall have a maturity not exceeding the maximum permitted thereunder. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

Section 9. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation. The Board further authorizes the submission of a tax rate statement and primary and rebuttal arguments, as appropriate, to be filed with the Los Angeles County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Los Angeles County, such services to

include the printing of the Full Text Ballot Proposition set forth in Exhibit "B" in the voter pamphlet, the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

Section 11. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 13th day of July, 2016, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTENTIONS: 0

BOARD OF TRUSTEES OF THE  
MANHATTAN BEACH UNIFIED SCHOOL  
DISTRICT

By:   
President

Attest:

  
Clerk

CLERK'S CERTIFICATE

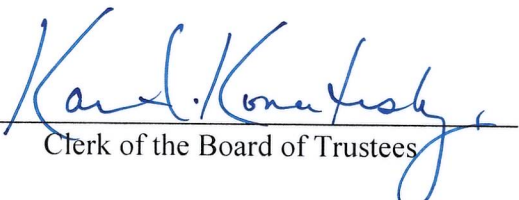
I, Karen Konevinsky, Clerk of the Board of Trustees of the Manhattan Beach Unified School District, hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Trustees of said District duly and regularly and legally held at the regular meeting place thereof on July 13, 2016, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: July 27, 2016

  
Clerk of the Board of Trustees

## EXHIBIT A

To replace the 65 year old Mira Costa High School gymnasium utilized by the community and district by constructing and equipping a new gymnasium, physical education and activities center, including adding instructional space and bathrooms, air conditioning, heating, electrical and plumbing systems, shall Manhattan Beach Unified School District issue 39 million dollars in bonds at legal interest rates, with independent citizen oversight and audits?

Bonds - Yes

Bonds – No

## EXHIBIT B

### FULL TEXT BALLOT PROPOSITION OF THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 8, 2016

The following is the full proposition presented to the voters by the Manhattan Beach Unified School District.

To replace the 65 year old Mira Costa High School gymnasium utilized by the community and district by constructing and equipping a new gymnasium, physical education and activities center, including adding instructional space and bathrooms, air conditioning, heating, electrical and plumbing systems, shall Manhattan Beach Unified School District issue 39 million dollars in bonds at legal interest rates, with independent citizen oversight and audits?

#### PROJECT LIST FOR THE BOND MEASURE

Bond proceeds will be expended to replace the 65 year old high school gymnasium at Mira Costa High School with a new gymnasium, physical education and activities center located at the school. The improvements will include constructing and equipping a main gymnasium, a second, smaller gymnasium and a variety of adjacent rooms for instruction, athletics and physical education, including physical education classrooms, a study learning center, team rooms, locker rooms, activity rooms, coaches' rooms and storage. The improvements will also include adding bathrooms, air conditioning, heating, electrical and plumbing systems needed for the gymnasium, physical education and activities center.

\* \* \*

In preparing the list of projects, the District has evaluated safety, class size reduction, and informational technology needs.

Implementation of Construction Program. Each project financed will include its share of architectural, engineering, and similar planning costs, program management, project or construction management, a contingency for unforeseen circumstances, offsite/utility connection costs, and interim housing. Projects also may include the payment of the costs of preparation of all facility planning, facility assessment reviews, environmental studies, construction documentation, plan check, inspection and permit fees, and the acquisition of improvements on the project list that are financed by the District on an interim basis through temporary loans, leases, lease-leaseback, or lease-purchase arrangements.

The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans are finalized, construction bids are awarded and projects are completed. Based on the final costs of each project, certain projects described above may be delayed or may not be undertaken.

Bond proceeds shall be expended only for the specific purposes identified herein. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to the bond projects. The District shall create an account into

which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

Fiscal Accountability: In accordance with Education Code § 15272, the Board of Trustees will establish a citizens' oversight committee and will conduct annual independent audits to assure that funds are spent only on the list of projects authorized above and for no other purpose. The expenditure of bond money on these projects is subject to stringent financial accountability requirements. By law, performance and financial audits will be performed annually, and all bond expenditures will be monitored by an independent citizens' oversight committee to ensure that funds are spent as promised and specified. The citizens' oversight committee shall include at least seven members, with the following relationships: one member active in a business organization, one member active in a senior citizens' organization, one member active in a bona fide taxpayers' organization, one member who is a parent or guardian of a student, one member who is both a parent or guardian of a student and active in a parent-teacher organization. District employees, vendors, contractors and consultants may not serve on the citizens' oversight committee.

No Administrator Salaries: Proceeds from the sale of the bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and not for any other purpose. No funds will be used toward teacher or administrator salaries or other operating expenses.